

Affidavit of Robert Cumbow

Petition to Revive U.S. Patent App. No 09/574,738 under 37 CFR 1.137(a)

I, Robert Cumbow, hereby state and declare as follows:

1. I am employed as an attorney at the law firm Graham & Dunn, P.C. I am authorized to testify as to the information set forth in this Affidavit, including all facts relating specifically to a purchase of assets from uRoam, Inc. ('uRoam'), by F5 Networks, Inc., ('F5'), on or about July 23, 2003. I make the following statements based upon my personal knowledge.
2. On or before July 23, 2003, Graham & Dunn, P.C., was retained by F5 to handle an agreement for the purchase of assets from uRoam. At the time this matter was conducted, I had been employed as an attorney with Graham & Dunn, P.C., for four years and three months.
3. On or about July, 23, 2003, Shin Hoshikawa was my legal assistant. At this time, he had been a legal assistant at Graham & Dunn, P.C., for a total of four years and three months.
4. On or before July 23, 2003, I provided counsel to F5 with regards to the agreement to purchase assets from uRoam. My involvement in this matter included the receipt by Graham & Dunn, P.C., of material(s) related to the acquisition. These materials, a copy of which is attached as Exhibit A, indicated that the assets to be acquired from uRoam by F5 included U.S. Patent Application No. 09/574,738, entitled "Method and Apparatus for Accessing a Computer Behind a Firewall". As seen in the attached exhibit, the status of this U.S. Patent Application was indicated as pending.
5. On or before July 23, 2003, there was a business routine employed at Graham & Dunn, P.C., for handling intellectual property assets involved with an asset purchase agreement. Subject intellectual property assets included filed, non-issued patent applications. The business routine comprised the clerical functions of receiving material(s) relating to the intellectual property assets, drafting an Assignment of Patents document, transcribing details of the intellectual property assets from the received materials into the Assignment of Patents document, and providing the Assignment of Patents document to counsel for review and use in conducting the asset purchase agreement.
6. On or before July 23, 2003, I knew Shin Hoshikawa to be trained and experienced in performing these clerical functions, so as to warrant my trust and reliance upon his ability to perform these functions in a manner that avoided errors in its performance. For example, I had not been aware of any such error made by Shin Hoshikawa in nearly seven years I had worked with him before July 23, 2003, which work included recordation of asset transfers involving

(S:\08204\0207446\us0180193694.DOC *082040207446-US0*

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numerous patents, patent applications, trademark applications and registrations, and copyright registrations.

7. On or before July 23, 2003, the materials of Exhibit A were provided to Shin Hoshikawa so that he could employ the established business routine to prepare document(s) including the details of the intellectual property assets to be purchased from uRoam by F5.
8. The performance of the established business routine by Shin Hoshikawa resulted in the generation of an error in an exhibits table in the Assignment of Patents document, wherein the correct application number 09/574,738, was incorrectly recorded as application number 09/547,738 with two numbers transposed. A copy of the Assignment of Patents document and exhibit table is attached hereto as Exhibit B.
9. I relied solely on this Assignment of Patents document, Exhibit B, as accurate in subsequent proceedings with regard to handling this application on behalf of F5. At the time of my involvement in these matters, I did not know that there was an error in the Assignment of Patents document.
10. Given the previous and well-demonstrated performance of Shin Hoshikawa with regards to this business routine, my reliance upon the Assignment of Patents document prepared by Shin Hoshikawa was wholly justified and represented the due care which a prudent and careful person would exercise with regards to his or her most important business. This error arrived unexpectedly and through the unforeseen fault or imperfection of a worthy and reliable employee.
11. In addition to the reliability of Shin Hoshikawa, the nature of the involved clerical function, including the proper transcription of application numbers, did not further warrant additional safeguards to be put in place so as to ensure the accuracy of results from the execution of the overall business routine.
12. To the best of my knowledge, the error that resulted from the performance of the established business routine, including the transposition of the application numbers by Shin Hoshikawa, is the entire cause of the delay at issue in subsequent handling of the prosecution of the application.
13. This error in the performance of the established business routine is the cause of the incorrect listing of the application number on the Record of Assignment document, of which I personally signed. Attached is a copy of this Record of Assignment as Exhibit C, including my signature. This Record of Assignment was submitted to the USPTO on or about September 23, 2003, as is record at Reel/Frames 014524/0012-0013. This submission to the USPTO also included

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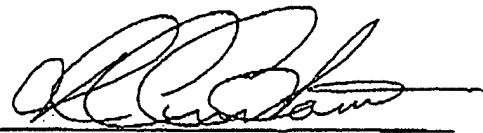
Affidavit of Robert Cumbow

Petition to Revive U.S. Patent App. No 09/574,738 under 37 CFR 1.137(a)

a copy of the Assignment of Patents document, Exhibit B, which is record at Reel/Frames 014524/0014-0015.

14. On or about April 22, 2004, I received a Notice of Recordation of Assignment document from the United States Patent and Trademark Office, a copy of which is attached as Exhibit D. This document confirms that the assignment was recorded for the incorrect application number 09/547,738, instead of the correct application number 09/574,738. This error reflects the error previously made in the Assignment of Patents document, Exhibit B, as well as the Recordation of Assignment, Exhibit C.^(CERTIFICATE OF ROBERT CUMBOW)
U.S. Patent App. No 09/574,738

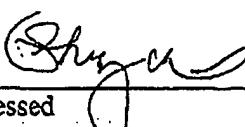
I make these statements under penalty of perjury and hereby swear that the foregoing is true and correct to the best of my recollection.



Robert Cumbow, Attorney
Graham & Dunn, P.C.

10/22/08

Date:



Witnessed

10/22/08

Date:

{S:\08204\0207446-us0\80193694.DOC *082040207446-US0* }

NO. 180 P. 4

OCT-22-2008 9:32AM GRAHAM DUNN TOTAL P.004

AFFIDAVIT OF ROBERT CUMBOW – EXHIBIT LIST

<i>Exhibit</i>	<i>Description</i>
Exhibit A	Asset purchase counseling materials from before purchase date of 7/23/2003, including listing of correct application number 09/574,738
Exhibit B	Assignment of Patents dated 7/23/03 including wrong application number
Exhibit C	Record of Assignment dated 9/23/2003 including application number 09/547,738
Exhibit D	Notice of Recordation of Assignment, dated 4/22/04

EXHIBIT A

SELLER DISCLOSURE LETTER

uRoam, Inc.
757 North Pastoria Avenue
Sunnyvale, CA 94085

July ___, 2003

20437

[Acquirer]
[Address of Acquirer]

Seller Disclosure Letter

Gentlemen:

F5 Networks, Inc.

This Disclosure Letter is made and given pursuant to Section 3 of the Asset Purchase Agreement dated as of July ___, 2003 (the "Agreement"), by and among [Acquirer] ("Buyer"), uRoam, Inc. ("Seller"), and uRoam Acquisition Corp. ("UAC"). All capitalized terms used but not defined herein shall have the meanings as defined in the Agreement, unless otherwise provided. The section numbers below correspond to the section numbers of the representations and warranties in the Agreement; provided, however, that any information disclosed herein under any section number shall be deemed to be disclosed and incorporated into any other applicable section number under the Agreement.

Nothing in this Disclosure Letter is intended to broaden the scope of any representation or warranty contained in the Asset Purchase Agreement or to create any covenant. Inclusion of any item in this Disclosure Letter does not represent a determination that such item is material or establish a standard of materiality. The information contained herein is disclosed solely for the purposes of the Agreement, and no information contained herein shall be deemed to be an admission by any party hereto to any third party of any matter whatsoever, including without limitation, any violation of law or breach of any agreement. The information contained in this Disclosure Letter is confidential, proprietary information of Seller, and the other parties to the Agreement shall be obligated to maintain and protect such confidential information.

The representations and warranties of Seller in the Agreement are qualified in their entirety by the financial statements provided by Seller to Buyer.

Schedule 3.1 - Organization and Good Standing.

Schedule 3.1(a)

1. The only state where Seller is qualified to do business is California. Seller does have one employee in Pennsylvania who conducts sales. Seller does not currently believe it is necessary for it to qualify to do business in Pennsylvania, but is investigating whether it may be necessary to do so.

Schedule 3.25 (c)(i)

See Schedule 3.9.

Schedule 3.25 (c)(ii)

UAC has not received intellectual property assignment agreements from the following individuals:

Lianne Caetano

Patty Chan

Charles Soren

Martha Clements

William Cox

Kathy English

Enrique Gomez

Thomas Mosdal

Carla Richards

Vicki Ryan

Schedule 3.25 (d)

Patents

1. P001 - Arbitration and Crossbar Device and Method - App. No. 09/738,003, OA received -
Resp. due 6/24/03 (will go abandoned if not responded to by 9/24/03).
██████████
2. P002 - Tunneling Between a Bus and a Network - App. No. 09/272,807 – Office Action
rec'd. - Resp. due 7/16/03 - (will go abandoned if not responded to by 10/16/03).
3. P003 - Optimizations for Tunneling Between a Bus and a Network, App. No. 09/273,238 -
abandoned - Petition to Revive due 9/5/03.
4. P004 - Method of Secure Communication Over a Distributed Network Without Using Secure
Socket Layer - App. No. 09/853,743 - No Office Action Yet.
██████████
5. P005 - Method and Apparatus to Balance Flow Loads in a Multipurpose Networking Device
- App. No. 09/870,252 - No Office Action Yet.
██████████

6. P006 - Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment - App. No. 09/881,225 No Office Action Yet.
7. P007 - Method for Configuring a Network Element Having a Unknown Protocol Address - App. No. 09/826,266 - No Office Action Yet.
8. P008 - A Method and Apparatus for Accessing a Computer Using a Browser - App. No. 9/305,831 - Abandoned - Petition to Revive due 6/27/03.
9. P009 - A Method and Apparatus for Accessing a Computer Behind a Firewall - 09/574,738 - No Office Action Yet.

Schedule 3.25 (e)(i)

Trademarks with the United States Department of Commerce



EXHIBIT B

ASSIGNMENT OF PATENTS

WHEREAS uRoam, Inc. ("Assignor"), formerly known as Filanet Corporation, a California corporation with its address at 757 North Pastoria Avenue, Sunnyvale, California 94085, is the owner of each of the patents (hereinafter collectively the "Patents") listed in Exhibit 1, attached hereto and incorporated herein by reference, all of which patent(s) were issued by or filed with the United States Patent and Trademark Office under the patent numbers listed in the Exhibit 1;

WHEREAS F5 Networks, Inc. ("Assignee"), a Washington corporation with its address at 401 Elliott Avenue West, Seattle, Washington 98119-4004, is desirous of acquiring said Patents and applications;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign unto Assignee, all rights, title and interest in and to the Patents owned by Assignor.

uRoam, Inc.

By:

Skip Glass
President

Dated: July 23, 2003

STATE OF Washington)
) ss.
County of King)

On this 23rd day of July, 2003, before me appeared Skip Glass, the person who signed this instrument, who, being by me duly sworn, acknowledged that he was the President of uRoam, Inc., and has signed said instrument with the free and voluntary act and with the authority to act on behalf of said corporation.

X Skip L. Cottrell
Notary Public in the State of Washington,
residing at: 2241 SW 301ST Federal Way, WA
My commission expires: 5/5/05 98023



EXHIBIT 1
U.S. PATENT APPLICATIONS

Patent	Appl. No.	Status
Arbitration and Crossbar Device and Method	09/738,003	Pending
Tunneling Between a Bus and a Network	09/272,807	Pending
Optimizations for Tunneling Between a Bus and a Network	09/273,238	Pending
Method of Secure Communication Over a Distributed Network Without Using Secure Socket Layer	09/853,743	Pending
Method and Apparatus to Balance Flow Loads in a Multipurpose Networking Device	09/870,252	Pending
Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment	09/881,225	Pending
Method for Configuring a Network Element Having a Unknown Protocol Address	09/826,266	Pending
Method and Apparatus for Accessing a Computer Behind a Firewall	09/547,738	Pending

EXHIBIT C

GRATHAM & DUNN PC

September 22, 2003

ROBERT C. CUMBOW
(206) 340-9619
rcumbow@grahamdunn.com

EL639142893US

VIA U.S. EXPRESS MAIL
(EL639142893US)

Commissioner for Patents & Trademarks
U.S. Patent and Trademark Office
BOX: ASSIGNMENT
Washington, D.C. 20231

Re: Recordation of Assignment of U.S. Patents
Assignor: uRoam, Inc., formerly known as Filanet Corporation
Assignee: F5 Networks, Inc.

Dear Commissioner:

Enclosed for recordation is an assignment of Patents indicated above, together with \$320 to cover the recordation fee.

The Commissioner is hereby authorized to (1) charge any additional fees which may be required in connection with the filing of this recordation, or (2) credit any over-payment, to Deposit Account No. 07-1847. Please address all communication regarding this matter to Robert C. Cumbow at the address indicated below, or by phone at (206) 340-9619 or email at rcumbow@grahamdunn.com. Thank you.

Very truly yours,

GRATHAM & DUNN

Robert C. Cumbow

RCC/sh

cc: Daren Nitz

Pier 70
2801 Alaskan Way ~ Suite 300
Seattle WA 98121-1128
Tel 206.624.8300
Fax 206.340.9599
www.grahamdunn.com

Form PTO-1595
(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

uRoam, Inc.,
formerly known as Filanet Corporation

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 7/23/2003

2. Name and address of receiving party(ies)

Name: F5 Networks, Inc.

Internal Address: _____

Street Address: 401 Elliott Avenue West

City: Seattle State: WA Zip: 98119-4004

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/738,003;

09/272,807; 09/273,238; 09/853,743

B. Patent No.(s) _____

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert C. Cumbow

Internal Address: _____

Street Address: 2801 Alaskan Way, Suite 300

Pier 70

City: Seattle State: WA Zip: 981211128

6. Total number of applications and patents involved: 8

7. Total fee (37 CFR 3.41).....\$ 320

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 07-1847

(Please charge any additional fees if the enclosed payment is insufficient to cover the recordation fees)

DO NOT USE THIS SPACE

9. Signature.

Robert C. Cumbow

Name of Person Signing


Signature

09/22/2003

Date

Total number of pages including cover sheet, attachments, and documents: 4

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

Additional PATENT APPLICATION Numbers:

09/870,252 09/881,225 09/826,266

09/547,738

ASSIGNMENT OF PATENTS

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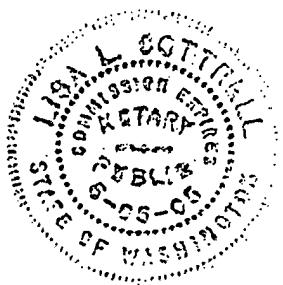
uRoam, Inc.

By: Skip Glass
Skip Glass
President

Dated: July 23, 2003

STATE OF Washington)
) ss.
County of King)

On this 23rd day of July, 2003, before me appeared Skip Glass, the person who signed this instrument, who, being by me duly sworn, acknowledged that he was the President of uRoam, Inc., and has signed said instrument with the free and voluntary act and with the authority to act on behalf of said corporation.



X Lisa L. Cooper
Notary Public in the State of Washington,
residing at: 2241 SW 301ST Federal Way, WA
My commission expires: 5/5/05 98023

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Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment	09/881,225	Pending
Method for Configuring a Network Element Having a Unknown Protocol Address	09/826,266	Pending
Method and Apparatus for Accessing a Computer Behind a Firewall	09/547,738	Pending

CERTIFICATE OF MAILING

I CERTIFY that on September 23, 2003, I mailed (via U.S. EXPRESS MAIL #EL639142893US) the attached RECORDATION FORM COVER SHEET and PATENT ASSIGNMENT in connection with pending U.S. patent applications owned by uRoam, Inc. to:

Commissioner for Patents & Trademarks
U.S. Patent and Trademark Office
BOX: ASSIGNMENT
Washington, D.C. 20231



Shin Hoshikawa
Shin Hoshikawa

EXHIBIT.D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 22, 2004

PTAS



102561295A

ROBERT C. CUMBOW
2801 ALASKAN WAY
SUITE 300, PIER 70
SEATTLE, WA 98112-1128

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/23/2003

REEL/FRAME: 014524/0012
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

UROAM, INC., FORMERLY KNOWN AS
FILANET CORPORATION

DOC DATE: 07/23/2003

ASSIGNEE:

F5 NETWORKS, INC.
401 ELLIOTT AVENUE WEST
SEATTLE, WASHINGTON 98119-4004

SERIAL NUMBER: 09738003
PATENT NUMBER:

FILING DATE: 12/14/2000
ISSUE DATE:

SERIAL NUMBER: 09272807
PATENT NUMBER:

FILING DATE: 03/19/1999
ISSUE DATE:

SERIAL NUMBER: 09273238
PATENT NUMBER:

FILING DATE: 03/19/1999
ISSUE DATE:

014524/0012 PAGE 2

SERIAL NUMBER: 09853743
PATENT NUMBER:

FILING DATE: 05/10/2001
ISSUE DATE:

SERIAL NUMBER: 09870252
PATENT NUMBER:

FILING DATE: 05/29/2001
ISSUE DATE:

SERIAL NUMBER: 09881225
PATENT NUMBER:

FILING DATE: 06/12/2001
ISSUE DATE:

SERIAL NUMBER: 09826266
PATENT NUMBER:

FILING DATE: 04/03/2001
ISSUE DATE:

SERIAL NUMBER: 09547738
PATENT NUMBER:

FILING DATE: 04/11/2000
ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

9/23/03

09-29-2003

Form PTO-159.
(Rev. 10/02)

CMB No. 0

UMB No. 0651-0027 (exp. 6/30/2005)



**U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

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102561295

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1. Name of conveying party(ies): uRoam, Inc., formerly known as Filanet Corporation		2. Name and address of receiving party(ies) Name: F5 Networks, Inc.
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) 09/738,003; <u>09/272,807; 09/273,238; 09/853,743</u> Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Street Address: 401 Elliott Avenue West City: Seattle State: WA Zip: 98119-4004 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Robert C. Cumbow Internal Address: _____ Street Address: 2801 Alaskan Way, Suite 300 Pier 70 City: Seattle State: WA Zip: 981211128		6. Total number of applications and patents involved: <u>8</u> 7. Total fee (37 CFR 3.41).....\$ <u>320</u> <input checked="" type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>07-1847</u> (Please charge any additional fees if the enclosed payment is insufficient to cover the recordation fees)

DO NOT USE THIS SPACE

9. Signature

01 FC-B021

320.00 BP

Robert C. Cumbo

Name of Person Signing

09/22/2003

Date

Total number of pages including cover sheet, attachments, and documents:

4

Mail documents to be recorded with required cover sheet information to:
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Washington, D.C. 20231

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09/547,738

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By: Skip Glass
Skip Glass
President

Dated: July 23, 2003

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)
) ss.
County of King)

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X Licia L. Cotton
Notary Public in the State of Washington,
residing at: 2241 SW 301ST Federal Way, WA
My commission expires: 5/5/05 98023

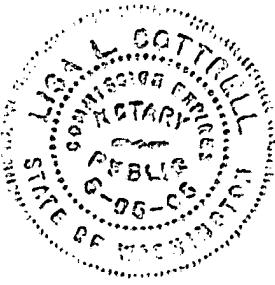


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